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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,958	01/25/2002	Matthew Rodger Mella	99997.019795	8785

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EXAMINER

PENDLETON, BRIAN T

ART UNIT PAPER NUMBER

2644

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,958

Applicant(s)

MELLA ET AL.

Examiner

Brian T. Pendleton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al, US Patent Application Publication 2005/0020223 in view of Ohmura et al, US Patent Application Publication 2001/0048749. Ellis discloses an enhanced radio system for providing digital audio content in an automobile such as that shown in figure 6A. The system is shown in detail in figure 1 comprising a CPU 145 and an inherent power supply. The automobile dashboard 605 contains a display 644, a set of function controls and a microphone 648 for voice activation of commands. A more detailed view of the enhanced radio system is found in figure 43 having user controls 4332, display 4334, microphone 4330, and memory 4314. As discussed in paragraph #283, memory 4314 stores digital audio content which is decoded by DSP 4310. Paragraph #288 discloses that the system has a remote control device and receives input commands from the microphone 4330. Inherently the remote control device sends commands to a receiver. The system is located in the dashboard unit. Ellis does not disclose that the display is a liquid crystal display for displaying media data related to the digital audio content in response to the digital audio selection. Ohmura et al disclose an audio system 100 for a vehicle in figure 3 comprising display 54. Paragraph 103 states that the display is liquid crystal and indicates music information of the audio system 100. Figure 7 illustrates a

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sample display screen which displays media data related to the digital audio content stored in memory in the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention modify Ellis, per the teachings of Ohmura, for the purpose of identifying the audio tracks being reproduced as it was well known to do so. Claim 1 is met. Per claims 2 and 12, the digital audio content in Ellis is in MP3 format. As to claim 4, Examiner takes Official Notice that digital audio content came in the form of electronic books at the time of invention. Regarding claim 5, video data relating to digital audio content was a known feature at the time of invention. It would have been obvious to include such data on the display of the dashboard unit for the purpose of giving the user visual information regarding the audio track selected. Per claim 6, figure 49 discloses one of the user commands as volume control (4910). Regarding claim 7, one of ordinary skill in the art would have designed the system to accommodate an appropriate memory device for memory 4314 which would include the claimed amount of music. Per claim 8, paragraph #288 of Ellis discloses that the user control is mounted on the steering wheel of the automobile. As to claim 10, inherently there exists a parallel port for connecting the CPU and dashboard unit. Per claim 11, the memory 4314 is removable. Regarding claim 13, voice activated commands are implemented as voice recognition devices. It would have been obvious to one of ordinary skill in the art that the device must be trained by the users to recognize their voices and only be responsive to the trained voices.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Ohmura as applied to claim 1 above, and further in view of Hoda et al. The combination of Ellis and Ohmura does not disclose a bar code scanner as an input unit for selecting digital audio selections. Hoda discloses an apparatus for controlling playback of video selections using a bar

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code scanner 19 as an input unit for controlling the operation of the reproduction of video disc 2. Therefore, it was well known to control the operation of a digital system with the use of a bar code scanner. It would have been obvious to one of ordinary skill in the art at the time of invention to use the bar code scanner teaching of Hoda in the combination of Ellis and Ohmura for the purpose of facilitating quick selection of digital audio content without requiring menu manipulation.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Ohmura as applied to claim 1 above, and further in view of Negrini, US Patent 4,126,827. The combination of Ellis and Ohmura does not disclose that the microphone is located on the steering wheel of the vehicle. Negrini discloses a steering wheel microphone assembly comprising wheel 9 and microphone 50. The advantage of locating the microphone on the steering wheel was to accomplish hands-free speaking while driving, a safety feature and place the microphone closest to the mouth of the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to locate the microphone on the steering wheel, per the teachings of Negrini, in the combination of Ellis and Ohmura for the purpose of improving the voice command capabilities.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller et al, US Patent Application Publication 2001/0044664.

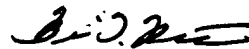
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton  
Examiner  
Art Unit 2644



btp